

## DECLARATION, POWER OF ATTORNEY AND PETITION

I, Donald W. BRYAN, M.D., declare: that I am a citizen of the United States of America; that my residence and post office address is 3903 Harrison Boulevard, Suite 400-E, Ogden, Utah 84403; that I verily believe I am the original, first, and sole inventor of the subject matter of the invention or discovery entitled PEDICLE SCREW SPINAL FIXATION DEVICE, for which a patent is sought and which is described and claimed in the specification attached hereto; and granted Serial No. \_\_\_\_\_ (I hereby authorize the attorneys of Clayton, Howarth & Cannon, P.C., to insert said serial number when known); that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit under Section 119(e) of Title 35 of the United States code of the earlier filed application Serial No. 60/324,660, filed September 24, 2001; and, insofar as the subject matter of each of the claims of these applications is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, I acknowledge the duty to disclose material information, as defined in Section 1.56 of Title 37 of the Code of Federal

Regulations, which occurred between the filing dates of the earlier filed applications and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as my attorneys and/or patent agents, Grant R. Clayton, Registration No. 32,462; Alan J. Howarth, Registration No. 36,553; Karl R. Cannon, Registration No. 36,468; and Clifford B. Vaterlaus, Registration No. 47,261; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence in connection with this application to:

Customer No. 20449

Please direct all telephonic and facsimile communications to:

Karl R. Cannon  
Telephone: (801)255-5335  
Facsimile: (801)255-5338

Please reference the below provided attorney docket number in all communications:

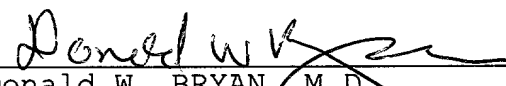
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Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Ogden, Utah, this  
(City) (State)

22nd day of January, 2002.

INVENTOR:

  
Donald W. BRYAN, M.D.

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DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR AN INDEPENDENT INVENTOR

I, Donald W. BRYAN, M.D., hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled PEDICLE SCREW SPINAL FIXATION DEVICE, as described in the patent application filed concurrently herewith, Serial No. \_\_\_\_\_. (I hereby authorize the attorneys of Clayton, Howarth & Cannon, P.C., to insert the serial number when known.)

I further declare that I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any right, title, or interest in the invention to any person, firm, or organization.

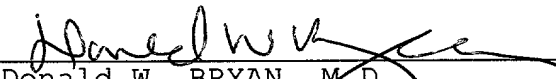
I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and

belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at Ogden, Utah,  
(City) (State)

this 22nd day of January, 2002.

  
Donald W. BRYAN, M.D.  
3903 Harrison Boulevard, Suite 400-E  
Ogden, Utah 84403

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